

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts
Southern District of Texas

FILED

October 07, 2024

United States of America

v.

Brooke Leigh Ayars

Case No.

4:24-mj-441

Nathan Ochsner, Clerk of Court

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 2022 - February 2023 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. § 1344

Bank Fraud

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.*Complainant's signature*

Cody W. Ford, Special Agent

Printed name and title

Sworn to before me telephonically.

Date: October 07, 2024*Judge's signature*City and state: Bend, OR

United States Magistrate Judge Andrew M. Edison

Printed name and title

SBU -LAW ENFORCEMENT

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

STATE OF TEXAS

:

:

: AFFIDAVIT

:

:

COUNTY OF HARRIS

:

4:24-mj-441

I, Cody Ford, being duly sworn, depose and state the following:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the U.S. Department of State - Diplomatic Security Service (DSS), since December 2023 and authorized to investigate violations of Title 18 of the United States Code. I am presently assigned to the DSS Houston Field Office, where my duties included conducting investigations of alleged violations of criminal laws pertaining to passport and visa documents. During my tenure as a Special Agent, I have completed the Criminal Investigator Training Program at the Federal Law Enforcement Training Center in Glynco, Georgia. I have also successfully completed DSS Basic Special Agent Course, at the Foreign Affairs Security Training Center in Blackstone, Virginia. In addition to my law enforcement training, I have completed cryptocurrency and cybercrime investigations training in order to analyze cryptocurrency transactions, wallets, exchanges, and other relevant tools used to operate on blockchain networks. Prior to becoming a Special Agent, I was commissioned an Army Intelligence Officer in 2017 and served six years in active-duty status. It was through this service that I received training and experience in the analysis, collection, and dissemination of complex and sensitive intelligence information. I served in various roles from Battalion Intelligence Staff Officer "S2" at Hunter Army Airfield, GA, to Company Commander for the 35P Signals Intelligence Voice Interceptor Advanced Training course at Goodfellow Air Force Base, TX. My service also included a tour of service in Illesheim, Germany serving as a primary staff officer assigned to the 2nd Battalion of 3rd Infantry Division's Aviation Brigade.

2. This Affidavit is submitted in support of a criminal complaint charging **BROOKE LEIGH AYARS** with committing violations of the Title 18 U.S.C. § 1344, Bank Fraud, in the Southern District of Texas.

3. I base the information in this affidavit on my personal knowledge and on information that I have learned, either directly or indirectly, from witnesses, records, and other law enforcement officers and agents. Additionally, unless otherwise indicated, conversations discussed herein are described in substance and part rather than verbatim. Likewise, I have not included each and every fact that my investigation has revealed, but rather, have included only those facts necessary to show probable cause.

BANK FRAUD

4. This Affidavit concerns fraud in connection with and upon a United States FDIC insured financial institution during the commission of the crime triggering Title 18 USC 1344 provisions in its relevant part that: “Whoever knowingly executes, or attempts to execute, a scheme or artifice (1) to defraud a financial institution; or (2) to obtain any of the moneys, funds, credits, assets, securities, or other property owned by, or under the custody or control of, a financial institution, by means of false or fraudulent pretenses, representations, or promises; shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.”

PROBABLE CAUSE

7. As detailed with more specificity below, my investigation shows that beginning at least as early as on or about December 3, 2022, and continuing until, on or about January 31, 2023, BROOKE AYARS took personal actions that violated the elements of the federal bank fraud statutes found in 18 U.S.C. § 1344.

8. On or about July 31, 2024, I was assigned to investigate possible violations of Title 18 USC 1543, forgery and false use of a passport, and other criminal charges involving the target FELIX MARTINEZ who was working in conjunction with BROOKE LEIGH AYARS. AYARS was attempting to purchase a vehicle using fraudulent documents and providing false statements on a loan application at a local Houston auto dealership. Pursuant to this investigation, I spoke with Houston Police Department Detective Darren Schlosser and other investigators from the HPD auto theft unit. Additionally, I reviewed records from the U.S. Department of State Consular Consolidated Database (CCD), the department’s repository of U.S. passport and visa applications and issuances, which included a passport verification of an alleged passport used by MARTINEZ on behalf of AYARS, which was found to be fraudulent. From that investigation origin, I learned the following:

9. On or about December 3, 2022, AYARS opened a personal checking account at First National Bank Texas ending in 3397. First National Bank Texas has been an FDIC insured bank since January 1, 1934, and has been issued FDIC certification number 3285. First National Bank Texas has 350 banking location covering four states, including Texas and more specifically, within the Southern District of Texas.

10. On or about December 8, 2022, a \$70,500 USD check was deposited into the AYARS account. The cashier’s check in question was drawn on an account at GULF COAST EDUCATORS FEDERAL CREDIT UNION and was made payable to “CHASE OR BROOKE AYARS”.

11. A representative from GULF COAST EDUCATORS FEDERAL CREDIT UNION confirmed that the cashier’s check was placed in the mail for delivery. The bank victim further stated that the check was written out to “CHASE” and not to “CHASE OR BROOKE AYARS”. The check was intercepted from the mail and altered by adding “OR BROOKE AYARS” to the payee line.

12. Between December 20, 2022, and February 15, 2023, **AYARS** made multiple cash withdrawals, where **AYARS** was identified as the transactor through the review of bank video and photo images matching the appearance of **AYARS**. In addition to the branch cash withdrawals, there were Zelle transfers and bank to bank electronic transfers conducted until the account was completely liquidated. **AYARS** is the only authorized user and signatory of the account.

13. All the deposit and withdrawal activity for the **AYARS** account ending in 3397 was conducted at different branches in the greater Houston area, all located within the Southern District of Texas.

14. On or about September 10, 2024, when **AYARS** was arrested and debriefed by HPD, which included the administering of **AYARS'** Miranda rights. **AYARS** voluntarily waived her rights and admitted to obtaining the GULF COAST EDUCATORS FEDERAL CREDIT UNION \$70,500 cashier's check and conducting cash withdrawals from her wholly owned FIRST BANK TEXAS account ending in 3397, where the check was deposited, liquidating the funds in the account from the check in question, knowing the check was not made payable to her.

CONCLUSION

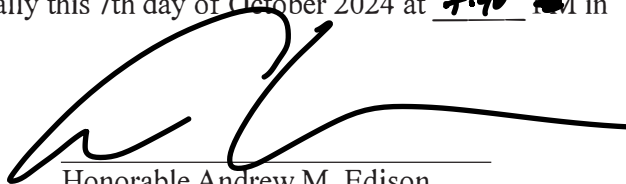
15. Based on the foregoing facts and circumstances, I respectfully submit that there is probable cause to believe that from on or about December 3, 2022, through on or about February 15, 2023, within the Southern District of Texas, Houston Division, **BROOKE LEIGH AYARS** committed violations of Title 18 U.S.C. 1344 (Bank Fraud).

RESPECTFULLY SUBMITTED



Cody Ford
Special Agent
United States Department of State
Diplomatic Security Service

Subscribed and sworn to me telephonically this 7th day of October 2024 at 7:40 ^{PM} in Bend, OR and I find Probable Cause.



Honorable Andrew M. Edison
United States Magistrate Judge